

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 07-125-A
	)	Judge Brinkema
ARTHUR GEORGE GOMEZ,	)	
Defendant	)	

POSITION OF ARTHUR GEORGE GOMEZ  
WITH RESPECT TO SENTENCING FACTORS

COMES NOW the defendant, by counsel, and files this pleading pursuant to Section 6A1.2 of the United States Sentencing Guidelines ("the Guidelines") and the Order of this Court relating to the position of the parties with respect to sentencing factors. Mr. Gomez has reviewed the presentence report with counsel and has no objections.

Arthur Gomez stands before this Court for sentencing having pled guilty to conspiracy to commit copyright infringement. He accepted responsibility for his conduct early in the process and offered his assistance to law enforcement authorities, who determined that his assistance was truthful but not substantial. We submit the relevant factors to be considered in imposing sentence dictate a sentence below the advisory sentencing guidelines of 12-18 months.

Arthur Gomez was born to Arturo Gomez and Laura Ranieri in California in 1981. From the letters submitted by his parents, other family members and friends, an image clearly emerges of a kind, respectful, smart and sensitive young man who is loved by

many and leads an otherwise law-abiding life. Arthur Gomez is not a danger to society. This unfortunate experience has clearly caused him to exercise better judgment and be more circumspect in his dealings with others. This promising young man now has to endure the stigma that comes along with being a felon, including the loss of his voting privileges and other civil rights. Besides the conduct to which he has readily accepted responsibility, Arthur has been a model citizen. This experience has been and will be his only contact with the criminal justice system. Mr. Gomez also submits letters from family and friends for the Court's consideration at sentencing.

- |                    |                            |
|--------------------|----------------------------|
| 1. Arturo Gomez    | 8. Grace Hansgen           |
| 2. Laura Ranieri   | 9. Wendell Keivens         |
| 3. Cristina Gomez  | 10. Marisa DeGiosa-DeFalco |
| 4. Dora Marchese   | 11. Anna Spataro           |
| 5. Robert Marchese | 12. Ann Ranieri-Crowell    |
| 6. Lisa Marchese   | 13. Maria Crowell          |
| 7. John Caballero  | 14. Chiara Ferrara         |

This Court should sentence Mr. Gomez in a manner similar to those persons in the conspiracy whose criminal conduct mostly resembles his own. See, Title 18 U.S.C. 3553(a)(6). Paragraph 27 of the PSI and those paragraphs relating to the individual codefendants' related cases provide the following information regarding their respective roles in the offense and sentences:

1. Aaron Jones: 6 months imprisonment; 3 years supervised release; a special condition of 6 months home confinement
2. Michael Kekelis, 45 days imprisonment; 45 days community confinement; 2 years supervised release
3. Jason Patton, 6 months home confinement

4. Bruce Huckfeldt, 1 month imprisonment; 3 months community confinement; 2 years supervised release
5. Alan Brown, III: 8 months home confinement
6. Jonathan Reyes, 1 year probation
7. Christopher Eaves, pending sentencing, Judge Brinkema
8. Sergey Ribiakost, pending sentencing, Judge Cacheris

The government concedes that Aaron Jones was more culpable than the defendant while Alan Brown and Michael Kekelis are more similarly situated to him. Consequently, Mr. Gomez respectfully submits that a probationary sentence with a special condition imposing a short period of home confinement would serve to reflect the seriousness of the offense, avoid unwarranted disparities in sentencing, promote respect for the law and provide just punishment for the offense.

Respectfully submitted,

ARTHUR GEORGE GOMEZ  
By Counsel

/s/

---

Pleasant S. Brodnax, III  
MOFFITT BRODNAX  
The Mills Building, Suite 400  
1700 Pennsylvania Avenue, NW  
Washington, DC 20006  
(202) 462-1100

CERTIFICATE OF SERVICE

I hereby certify that of copy of the foregoing Position with Respect to Sentencing Factors was filed electronically this 6<sup>th</sup> day of July, 2007 with the Clerk of Court using the CM/ECF system which sends notification to counsel of record. This Position with Respect to Sentencing Factors was also served by facsimile on Senior U.S. Probation Officer Nina Blanchard.

/s/

---

Pleasant S. Brodnax, III